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10/590,162	07/12/2007	Vincent W. Talbert	3805-062480	4070

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EXAMINER

CHANG, EDWARD

ART UNIT	PAPER NUMBER
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3691

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11/10/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/590,162	Applicant(s) TALBERT ET AL.	
	Examiner EDWARD CHANG	Art Unit 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 12 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/11/2009</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. This action is in reply to the response filed on 12th of August 2009.
2. Claims 1, 2, 6~8, 11~14, 16, 19, 22, 24, 28~30, 33, 34, 36, 39, 42, and 44 are amended.
3. Claims 1-44 are currently pending and have been examined.

Claim Rejections - 35 USC § 112

4. The rejection has been withdrawn.

Claim Rejections - 35 USC § 101

5. The rejection has been withdrawn.

Response to Arguments

6. Applicant's arguments filed 12th of August 2009 have been fully considered but they are not persuasive. Referring to the previous Office action, Examiner has cited relevant portions of the references as a means to illustrate the systems as taught by the prior art. As a means of providing further clarification as to what is taught by the references used in the first Office action, Examiner has expanded the teachings for comprehensibility while maintaining the same grounds of rejection of the claims, except as noted above in the section labeled "Status of Claims." This information is intended to assist in illuminating the teachings of the references while providing evidence that establishes further support for the rejections of the claims.

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With regard to the limitations of claims 1 and 28, Applicant argues Lee does not teach “...*transmitting, by the processor, information based on the identifier to the merchant instructing the merchant of an action to take...*” The Examiner respectfully disagrees. Examiner has cited additional citations in the bottom to teach these limitations. Please further clarify the invention according to the specification.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1~44 are rejected under 35 U.S.C. 102(b) as being anticipated by Lee et al. (hereinafter “Lee”); (US 2002/0099649 A1).

As per Claims 1, 24, 44:

Lee as shown discloses the following limitations:

- *receiving a consumer transaction data set including a plurality of data fields into a central credit issuer database; (See at least Fig.3, Item 304, 322)*

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- *determining, by a processor of a credit issuer, a processing queue based upon the data contained in at least one of the data fields in the consumer transaction data set, the processing queue including a plurality of prioritized target transactions; (See at least Fig.3, Item 302, 320)*
- *comparing, by the processor, at least one data field from the consumer transaction data set directed to the consumer engaged in the prioritized target transaction with at least one data field in at least one of the central credit issuer database and a third party database; (See at least Fig.3, Item 308, 314, 326)*
- *determining, by the processor, an identifier based upon the comparison; (See at least Page 5, Paragraph 0081+, "...determine whether a given transaction of a purchaser is fraudulent (fraud scores)...compare that transaction with prior transactions of the purchaser...")*
- *transmitting, by the processor, information based on the identifier to the merchant instructing the merchant of an action to take, wherein the transmitting is completed prior to at least one of goods being shipped by the merchant to the consumer and services being performed by the merchant. (See at least Page 5, Paragraph 0075+, "...merchant's fraud-risk prediction system to **automatically** determine actions based on the fraud scores...")*

As per Claim 2:

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Lee discloses the limitations as shown in the rejections above. Furthermore, Lee also discloses the following limitations:

- *comprising the step of contacting the consumer to verify the transaction based upon the identifier in step (d). (See at least Page 27, Paragraph 0348+, "...customer contacted...")*

As per Claim 3:

Lee discloses the limitations as shown in the rejections above. Furthermore, Lee also discloses the following limitations:

- *wherein at least one of steps (b)-(d) are performed by a central credit issuer. (See at least Page 24, Paragraph 0290+, "...authorized by the issuer...")*

As per Claims 4, 25:

Lee discloses the limitations as shown in the rejections above. Furthermore, Lee also discloses the following limitations:

- *wherein at least one of steps (a)-(d) are automatically performed by a computing device. (See at least Fig.2, Item 200, 112, 102)*

As per Claims 5, 26:

Lee discloses the limitations as shown in the rejections above. Furthermore, Lee also discloses the following limitations:

- *wherein the computing device is at least one of a personal computer, a networked device, a laptop, a palmtop, a personal digital assistant and a server. (See at least Fig.2, Item 200, Proxy server)*

As per Claims 6, 28:

Lee discloses the limitations as shown in the rejections above. Furthermore, Lee also discloses the following limitations:

- *wherein the consumer transaction data set includes at least one field populated with data reflecting the transaction and/or the consumer. (See at least Page 1, Paragraph 0003+, "...name, address...")*

As per Claims 7, 29:

Lee discloses the limitations as shown in the rejections above. Furthermore, Lee also discloses the following limitations:

- *wherein the central credit issuer database includes a plurality of fields populated with data reflecting the consumer. (See at least Page 2, Paragraph 0039+, "...name, address, phone number...")*

As per Claims 8, 30:

Lee discloses the limitations as shown in the rejections above. Furthermore, Lee also discloses the following limitations:

- *wherein the third party database includes a plurality of fields populated with data reflecting the consumer. (See at least Page 2, Paragraph 0039+, "...name, address, phone number..."); (Also see at least Page 7, Paragraph 0116+, "...other transaction information sources...")*

As per Claims 9, 31:

Lee discloses the limitations as shown in the rejections above. Furthermore, Lee also discloses the following limitations:

- *wherein the central credit issuer database includes at least one sub-database containing at least one field therein. (See at least Page 7, Paragraph 0116+, "...other transaction information sources...")*

As per Claims 10, 32:

Lee discloses the limitations as shown in the rejections above. Furthermore, Lee also discloses the following limitations:

- *wherein the central credit issuer database includes at least one of: (i) a transaction database including fields populated by data reflecting transaction information; (ii) a verification database including fields*

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populated by data reflecting verification information; and (iii) a credit issuer database including fields populated by data reflecting credit issuer information. (See at least Page 3, Paragraph 0043+, "...information about the requested transaction...")

As per Claim 11:

Lee discloses the limitations as shown in the rejections above. Furthermore, Lee also discloses the following limitations:

- *receiving a third party data set from at least one third party database into the central credit issuer database. (See at least Fig.1, Item 129)*

As per Claim 12:

Lee discloses the limitations as shown in the rejections above. Furthermore, Lee also discloses the following limitations:

- *Receiving a credit issuer consumer credit history data set from a credit issuer into the central credit issuer database. (See at least Page 4, Paragraph 0066+, "...the historical data...")*

As per Claims 13, 33:

Lee discloses the limitations as shown in the rejections above. Furthermore, Lee also discloses the following limitations:

- *comprising the step of categorizing the prioritized target transaction based upon the identifier, thereby providing a categorized target transaction.*
(See at least Page 7, Paragraph 0116+, "...three categories of information...")

As per Claims 14, 34:

Lee discloses the limitations as shown in the rejections above. Furthermore, Lee also discloses the following limitations:

- *wherein an action is performed based upon the categorized target transaction.* (See at least Page 7, Paragraph 0116+, "...evaluation...")

As per Claims 15, 35:

Lee discloses the limitations as shown in the rejections above. Furthermore, Lee also discloses the following limitations:

- *wherein the action is at least one of: (i) interacting with the merchant; (ii) interacting with the customer; (iii) communicating with the merchant; (iv) communicating with the customer; (v) gathering additional transaction data; (vi) gathering additional customer data; (vii) gathering additional*

merchant data; (viii) approving the categorized transaction; (ix) denying the categorized transaction; (x) queuing the categorized transaction for further delayed action; (xi) interacting with the central credit issuer database; and (xii) requesting further data from at least one of the customer, the merchant, a credit issuer, a credit issuer database, a third party and a third party database. (See at least Page 7, Paragraph 0116+)

As per Claims 16, 36:

Lee discloses the limitations as shown in the rejections above. Furthermore, Lee also discloses the following limitations:

- *comprising the step of determining a verification queue at least partially based upon the identifier, thereby providing at least one verification target consumer. (See at least Page 4, Paragraph 0067+, "...scoring system...")*

As per Claims 17, 37:

Lee discloses the limitations as shown in the rejections above. Furthermore, Lee also discloses the following limitations:

- *performing an action directed to at least one of the verification target consumer and the verification target transaction. (See at least Page 4, Paragraph 0065+, "...scoring request and estimates...")*

As per Claims 18, 38:

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Lee discloses the limitations as shown in the rejections above. Furthermore, Lee also discloses the following limitations:

- *wherein the verification queue is dynamically determined and modified in a real-time format. (See at least Page 7, Paragraph 0116+, "...dynamic and static components...updated in real-time with each other...")*

As per Claims 19, 39:

Lee discloses the limitations as shown in the rejections above. Furthermore, Lee also discloses the following limitations:

- *wherein the verification queue is determined based upon a set of predetermined rules directed to at least one of the data fields of at least one of the consumer transaction data set, the central credit issuer database and the identifier. (See at least Page 5, Paragraph 0076+, "...eFalcon system operates....using the rule engine...")*

As per Claims 20, 40:

Lee discloses the limitations as shown in the rejections above. Furthermore, Lee also discloses the following limitations:

- *wherein the processing queue is dynamically determined and modified in a real-time format. (See at least Page 5, Paragraph 0075+, "...formulated as computational rules...rule engine integrating a real-time decision making process into the merchant's order fulfillment system...")*

As per Claims 21, 41:

Lee discloses the limitations as shown in the rejections above. Furthermore, Lee also discloses the following limitations:

- *wherein the processing queue is determined based upon a set of predetermined rules directed to at least one of the data fields of the consumer transaction data set. (See at least Page 5, Paragraph 0075+, "...formulated as computational rules...")*

As per Claims 22, 42:

Lee discloses the limitations as shown in the rejections above. Furthermore, Lee also discloses the following limitations:

- *comprising the step of providing an indicator to a user, the indicator based upon the determined identifier. (See at least Fig.6, Item 600)*

As per Claim 23, 43:

Lee discloses the limitations as shown in the rejections above. Furthermore, Lee also discloses the following limitations:

- *wherein the indicator is at least one of: (i) a visual indicator that is at least one of a letter, a symbol, a term, a word, a phrase, a number, a color, a picture and a visual representation; and (ii) an audio indicator that is at least one of a sound, an alarm, an audio file, a digital sound, and an analog sound. (See at least Fig.6, Item 600)*

As per Claim 27:

Lee discloses the limitations as shown in the rejections above. Furthermore, Lee also discloses the following limitations:

- *wherein the input mechanism is at least one of a direct-input device, a keyboard, a transmission device, a modem, a network and the Internet. (See at least Fig.1, Item 116, 121, 104)*

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

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CFR 1.136(a).

11. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Edward Chang** whose telephone number is **571.270.3092**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **ALEXANDER KALINOWSKI** can be reached at **571.272.6771**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> <<http://pair-direct.uspto.gov>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

or faxed to **571-273-8300**.

Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window**:

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Application/Control Number: 10/590,162

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October 29, 2009

/Edward Chang/ Examiner, Art Unit 3691

/Lalita M Hamilton/

Primary Examiner, Art Unit 3691